

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID MERRILL of the VAN PELT  
family,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

CASE NO. 3:16-cv-05520-RJB

ORDER

THIS ORDER follows the Court's *sua sponte* Order to Show Cause (Dkt. 5), where the Court directed Plaintiff to inform the Court of the jurisdictional basis for his claim. The Court has carefully reviewed the record in its entirety.

It appears that Plaintiff responded to the Court's order by filing a document entitled, "CLARIFICATION OF CAUSE [-] Warrants issued[.]" Dkt. 9. Plaintiff's thirty-five page compilation includes copies of the following: an Oath of Office form signed by the Honorable Gilbert Martinez, United States District Court Judge for the District of Colorado, orders pertaining to a Colorado state court case, a Warrant for Arrest issued by Plaintiff that orders

1 named defendants into custody in Littleton, Colorado, an affidavit from the Washington  
2 Department of Licensing stating that they have no public licensing records pertaining to Thomas  
3 W. Hardy, and the Court's Order to Show Cause. However, none of these documents address the  
4 jurisdictional basis for Plaintiff's claim. Plaintiff's filing entitled, "DELEGATION OF  
5 AUTHORITY [-] Warrants," Dkt. 6, likewise offers no jurisdictional basis for Plaintiff's claim  
6 to proceed before this Court. From Plaintiff's initial filings, it appears that Plaintiff may be  
7 attempting to pursue a criminal prosecution himself, but as explained in the Court's Order to  
8 Show Cause, "Under the authority of Ar. II, s 2, Congress has vested in the Attorney General the  
9 power to conduct the criminal litigation of the United States Government," *United States v.*  
10 *Nixon*, 418 U.S. 683, 694 (1974), so a citizen may not bring criminal charges against another by  
11 filing a complaint in this court. *See Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9<sup>th</sup> Cir. 1980).

12 Plaintiff's claims should be dismissed for lack of jurisdiction. *Baker v. Carr*, 369 U.S.  
13 186, 198 (1962); *Righthaven LLC v. Hoehn*, 716 F.3d 1166, 1172 (9<sup>th</sup> Cir.2013).

14 Therefore, it is **HEREBY ORDERED** that this case is **DISMISSED**.

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
16 to any party appearing *pro se* at said party's last known address.

17 Dated this 18th day of July, 2016.

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20 ROBERT J. BRYAN  
21 United States District Judge  
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